

August 4, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai,

We write to urge you to protect consumers from abusive and invasive robocalls and robotexts from debt collectors.

The 2015 Budget bill included a harmful provision (Section 301) directing the Federal Communications Commission (FCC) to prescribe regulations allowing callers collecting federal debt to robocall and robotext the mobile phones of student loan borrowers, mortgage borrowers, veterans, farmers, taxpayers, and anyone else with debt backed by the federal government without consent. These changes to the Telephone Consumer Protection Act (TCPA) require the FCC issue implementing regulations and allow the FCC to restrict or limit the number and duration of robocalls and robotexts. We strongly opposed the overall provision, and urged the FCC to limit much of the potential harm that could result from this exemption. Last August, the FCC issued implementing regulations and appropriately used its authority to adopt many important consumer safeguards, including:

- Limiting the amount of calls and texts to no more than three per month, counting each initiated call as one call;
- Notifying consumers of their right to request that calls stop and requiring that all callers cease the calls once any called party requests that the calls stop; and
- Restricting the calls and texts to those made just to borrowers – not their family or friends – and only for the purpose of collecting on delinquent or defaulted debt owed to the federal government.

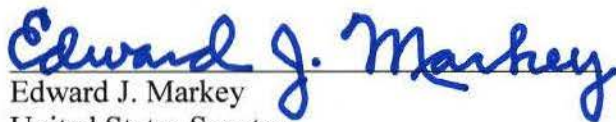
Regrettably, debt collectors may not be complying with these important protections. According to a petition recently submitted to the FCC, some debt collectors may be ignoring these protections because the Office of Management and Budget (OMB) has yet to formally approve the FCC's rules. As a result, it appears that many borrowers and their relatives may be receiving multiple robocalls a day without providing consent or having the ability to stop invasive communications.

We believe that borrowers are still protected by all of the provisions under the TCPA while the FCC's rules are awaiting final approval. The 2015 Budget Amendment states that the FCC shall prescribe regulations to permit federal debt collectors to robocall and robotext borrowers without consent. But until these regulations are officially approved by OMB, federal debt collectors are not permitted to bypass any of the TCPA's protections. Further, the FCC's rules explicitly state

that federal debt collectors may not use the Budget Amendment changes until OMB approval has become effective.

We encourage you to take appropriate actions against any caller violating these key protections. The Commission has an important role in protecting the convenience and precious zone of privacy created by the TCPA. We strongly encourage you to use your authority to stop these abusive and invasive robocalls.

Sincerely,


Edward J. Markey
United States Senator


Michael S. Lee
United States Senator



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 6, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey,

Thank you for your letter regarding abusive and invasive robocalls and robotexts from debt collectors.

Protecting consumers from the scourge of unwanted robocalls is one of my top priorities. As you know, robocalls are consistently a top consumer complaint to the FCC from the public. It is reported that U.S. consumers were bombarded by an estimated 2.4 billion robocalls a month in 2016. That's why I have teed up an aggressive agenda to target and eliminate unlawful robocalls. In recent months, we have initiated efforts to empower providers to block illegal robocalls before they can reach consumers, stop calls to reassigned phone numbers (a frequent issue for debt collection calls), and enable Caller ID authentication standards for telephone calls to further secure our telephone networks against illegal robocallers. All these efforts will help consumers avoid abusive and invasive robocalls, including those from debt collectors. On that specific topic, parties have asked the Commission to reconsider its previous decision on federal debt collection robocalls as well as the exemption the prior Administration carved out for all federal contractors, and we are reviewing the record in those proceedings.

I also appreciate your encouragement to take appropriate actions against callers who violate the Telephone Consumer Protection Act (TCPA). Over the past few months, we have taken several major enforcement actions against some of the most egregious violators of the Truth in Caller ID Act in the FCC's history. For example, in August, the Commission took enforcement action against an apparent mass robocaller—a man who apparently used unassigned phone numbers 21.5 million times to display inaccurate caller ID information so that he could avoid detection. In June, we took major, unprecedented action against what appears to be the most egregious “neighbor spoofing” robocalling scheme we have ever seen—a man who apparently made 96,758,223 robocalls to Americans through several faux marketing companies he owns and manages. We remain committed to holding robocall violators accountable to the fullest extent of the law.

Thank you for your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 6, 2018

The Honorable Mike Lee
United States Senate
361A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Lee,

Thank you for your letter regarding abusive and invasive robocalls and robotexts from debt collectors.

Protecting consumers from the scourge of unwanted robocalls is one of my top priorities. As you know, robocalls are consistently a top consumer complaint to the FCC from the public. It is reported that U.S. consumers were bombarded by an estimated 2.4 billion robocalls a month in 2016. That's why I have teed up an aggressive agenda to target and eliminate unlawful robocalls. In recent months, we have initiated efforts to empower providers to block illegal robocalls before they can reach consumers, stop calls to reassigned phone numbers (a frequent issue for debt collection calls), and enable Caller ID authentication standards for telephone calls to further secure our telephone networks against illegal robocallers. All these efforts will help consumers avoid abusive and invasive robocalls, including those from debt collectors. On that specific topic, parties have asked the Commission to reconsider its previous decision on federal debt collection robocalls as well as the exemption the prior Administration carved out for all federal contractors, and we are reviewing the record in those proceedings.

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Thank you for your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai

P.S. Senator, thanks so much for your recent hospitality and the terrific work of your staff, especially Wendy!